

**SENATE JOURNAL
60TH LEGISLATURE / SPECIAL SESSION MAY 2007
FIRST LEGISLATIVE DAY**

Helena, Montana
May 10, 2007

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Liable and Esp excused. Quorum present.

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 38

Nays: Balyeat, Brown, Brueggeman, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.
Total 10

Absent or not voting: None.
Total 0

Excused: Esp, Laible.
Total 2

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):
SB 2, introduced bill, be amended as follows:

5/11/2007

1. Page 4, line 20.

Strike: "and"

Insert: "or"

2. Page 4, line 21.

Strike: "with changing student populations"

3. Page 9, line 2.

Strike: "\$243,578"

Insert: "\$243,649"

4. Page 15, line 14.

Following: "computed"

Insert: "for each budget unit"

5. Page 16, line 25.

Following: "that"

Insert: "the ANB is calculated as a separate budget unit"

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6. Page 16, line 28.

Strike: "separately"

Insert: "as a separate budget unit"

7. Page 23, line 1.

Strike: "increase" in both places

Strike: "current"

8. Page 23, line 2.

Following: "enrollment"

Insert: "used for the budgeted ANB"

9. Page 23, line 10.

Following: "period is"

Insert: "determined using"

10. Page 23, line 11.

Strike: "current"

Following: "enrollment"

Insert: "used to calculate the budgeted ANB"

11. Page 23, line 14.

Following: "(6)"

Insert: "(a)"

12. Page 23, lines 15 and 16.

Following: "fiscal year." on line 15

Insert: "(b)"

Following: "less than" on line 15

Strike: remainder of line 15 through "calculations" on line 16

Insert: "the enrollment used to determine the budgeted ANB"

13. Page 23, line 17.

Following: "calculations"

Insert: ", as provided in subsection (5),"

Strike: "average number belonging"

Insert: "enrollment in place of the estimated enrollment"

14. Page 24, line 11.

Strike: "30-17-302"

Insert: "37-17-302"

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE GOVERNOR

TO: Members of the Montana Senate
Members of the House of Representatives
Secretary of State Brad Johnson
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION

CALL TO THE 60TH LEGISLATURE
FOR A SPECIAL SESSION

WHEREAS, pursuant to Article V, section 6 of the Constitution of the State of Montana and § 5-3-101, MCA, the Governor may convene the legislature in special session; and

WHEREAS, pursuant to Article VI, section 11 of the Constitution of the State of Montana, the Governor may convene the legislature whenever he considers it in the public interest; and

WHEREAS, pursuant to Article VI, section 9 of the Constitution and the laws of the State of Montana, as Governor, I submitted to the 60th Legislature, prior to the commencement of its regular session, a budget for the ensuing biennium setting forth in detail the proposed expenditures and estimated revenue of the State of Montana; and

WHEREAS, the budget I submitted to the 60th Legislature was balanced and sustainable, invested in Montana's priorities - including education, health care, jobs, clean and green energy, and public safety - provided permanent and one-time-only tax cuts for Montanans, ensured that out-of-state taxpayers paid their taxes, and provided savings to be used in the event of a "rainy day" in the future; and

WHEREAS, pursuant to Article V, section 11 of the Constitution of the State of Montana, the power to appropriate money for the operation of state government lies with the legislative branch of government; and

WHEREAS, pursuant to Article VIII, section 9 of the Constitution of the State of Montana, the legislature is responsible for enacting a balanced budget; and

WHEREAS, the budget enacted by the 59th Legislature for the operations of state government will expire at the end of this fiscal year, on June 30, 2007; and

WHEREAS, despite many accomplishments of the 60th Legislature, there remains the necessary and constitutional task of enacting a balanced budget for the biennium beginning July 1, 2007; and

WHEREAS, it is in the public interest that the Legislature immediately convene in special session so as to fulfill its constitutional obligation to enact a balanced budget for the biennium beginning July 1, 2007.

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NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby convene the 60th Legislature in special session, in Helena, at the Capitol, at the hour of 8:00 a.m., the 10th day of May, 2007, and hereby limit the special session to consideration of the following subjects:

1. A general appropriation bill for 'the ordinary expenses of the legislative, executive, and judicial branches of government and for public schools for the biennium ending June 30,2009; and
2. A bill appropriating money for capital projects and information technology capital projects, including measures necessary to implement the appropriation; and
3. Legislation that provides funding for public elementary and secondary schools, authorizes optional full-time kindergarten, establishes a quality educator loan forgiveness program, and revises the Governor's postsecondary scholarship program; and
4. Tax legislation that provides both permanent and one-time-only tax reductions and rebates for Montanans, improves tax compliance, and expands the business equipment property tax exemption; and
5. Property tax incentives for new investment in the conversion, transport, manufacturing related to, and research and development of renewable energy, new technology energy, and clean coal energy; and
6. Creation of an education trust fund to be funded through revenue raised by revisions to the tax treatment of income and dividends of real estate investment trusts; and
7. Any appropriations necessary for the operation of the special legislative session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 7'h day of May, in the year of our Lord, two thousand and seven.

Brian Schweitzer
GOVERNOR

TO: Members of the Montana Senate
 Members of the House of Representatives
 Secretary of State Brad Johnson
 Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION

CALL TO THE 60TH LEGISLATURE
TO EXPAND THE SPECIAL SESSION FOR A LIMITED PURPOSE

WHEREAS, pursuant to Article V, section 6 and Article VI, section 11 of the Constitution of the State of

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Montana and § 5-3-101, MCA, on May 7, 2007, as Governor, I issued a call to the 60th Legislature to convene in special session and limited the session to the subjects enumerated in the call; and

WHEREAS, pursuant to the call, the special session convened today; and

WHEREAS, I have received a written request, a copy of which is attached to this Proclamation, signed by the President, Majority Leader, and Minority Leader of the Senate and the Speaker, Majority Leader, and Minority Leader of the House of Representatives, to expand the special session of the Legislature to consider one additional subject, namely, "a bill that would reflect the contents of Senate Bill 98 as amended by the Senate in the 60th Regular Session," which bill provided statutory changes making provision for appointments and assignments of legislators that takes into account the existence of more than two political parties; and

WHEREAS, it is in the public interest that the 60th Legislature be expanded as requested by the legislative leaders.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby expand the special session of the 60th Legislature, to consider the following single subject:

1. A bill that would reflect the contents of Senate Bill 98 as amended by the Senate in the 60th regular session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 10th day of May, in the year of our Lord, two thousand and seven.

MOTIONS

Senator Williams moved to adopt temporary joint rules as presented in the pink copy (Rule 40-100) for the Special Legislative Session. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Brown, Gillan.
Total 2

Absent or not voting: None.
Total 0

Excused: Esp, Laible.
Total 2

Senator Williams moved to adopt temporary Senate rules (Rule 50-90) as presented in the white copy for the Special Legislative Session. Motion carried as follows:

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Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Paired: Harrington, Aye; Laible, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved to add Representative Raser as a sponsor to **SB 2**. Motion carried.

Senate recessed at 9:08 a.m. subject to the call of the chair.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Essmann, referred to Taxation.

SB 2, introduced by Williams, Glaser, Ryan, referred to Education and Cultural Resources.

SB 3, introduced by Elliott, referred to Taxation.

Senate reconvened at 12:02 p.m.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by Sinrud, referred to Finance and Claims.

Senate recessed at 12:06.

Senate reconvened at 5:06 p.m.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Friday, May 11, 2007. Motion carried.

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Senate adjourned at 5:30 p.m.

JOHN MUDD
Secretary of Senate

MIKE COONEY
President of the Senate